

Senate Bill 446

By: Senators Balfour of the 9th, Harbison of the 15th and Hill of the 32nd

A BILL TO BE ENTITLED

AN ACT

To amend Article 9 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to the workers' compensation Subsequent Injury Trust Fund, so as to ensure that for purposes of assessments to fund the Subsequent Injury Trust Fund total workers' compensation claims shall not include claims related to losses arising from certain catastrophic events that cannot give rise to a Subsequent Injury Trust Fund liability; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 9 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to the workers' compensation Subsequent Injury Trust Fund, is amended in Code Section 34-9-358, relating to payment of assessments to the fund, by adding a new subsection (g) to read as follows:

"(g) For purposes of this Code section, total workers' compensation claims shall not include claims related to losses arising from a single loss event and attributable to a single employer if:

(1) Such event is assigned a Catastrophe Code by the National Council on Compensation Insurance;

(2) Such losses exceed the total losses attributable to such employer that were included in the net amount reported by the insurer or self-insured employer in its report filed for the preceding calendar year; and

(3) Such losses cannot give rise to any liability of the Subsequent Injury Trust Fund."

**SECTION 2.**

Said article is further amended in Code Section 34-9-359, relating to reports and assessments, by revising subsection (a) as follows:

"(a) As soon as practicable after January 1 but not later than January 31 of each calendar year, the administrator shall forward to each insurer and self-insured employer a questionnaire asking for the total amount of compensation, medical benefits, and rehabilitation benefits paid by each insurer and self-insured employer during the preceding calendar year, excluding amounts attributable to claims described in subsection (g) of Code Section 34-9-358. This report is to be completed and returned to the administrator no later than March 1 of the same calendar year in which the request for this information is submitted. Failure to submit the report to the administrator of the fund by March 1 shall result in an automatic penalty of \$50.00 per day for each day the report is delinquent or 10 percent of the assessment, whichever is greater. This penalty will be added to the assessment."

### SECTION 3.

This Act shall become effective on January 1, 2010, and shall apply to all reports received on or after that date.

### SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.